

FILED
At Albuquerque NM

JUN 24 2016 *ml*

MATTHEW J. DYKMAN
CLERK

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AARON M. BAKER,

Defendant.

MISC. NO.

16-MR-466

AGREEMENT FOR PRETRIAL DIVERSION

This Agreement for Pretrial Diversion ("Agreement") is entered into by and between the United States Attorney for the District of New Mexico, and AARON M. BAKER, and his attorney, ANGELICA HALL. It appears, after an investigation of the offense and AARON M. BAKER's background that the interests of the United States and AARON M. BAKER, and the interest of justice, will be served by entering into this Agreement:

1. AARON M. BAKER is alleged to have committed a violation of 18 U.S.C. § 13, laws of States adopted for areas within federal jurisdiction (assimilated crimes), specifically: NMSA § 30-3-12 assault against a household member, and NMSA § 30-3-18, criminal damage to property of household member.

2. AARON M. BAKER accepts responsibility for his actions in intentionally damaging, without permission, real property owned by the air force base, to wit: bedroom door and wall. This was a violation of 18 U.S.C. § 13, laws of States adopted for areas within federal jurisdiction (assimilated crimes), specifically: NMSA § 30-15-1, criminal damage to property (less than \$1,000.00). AARON M. BAKER further agrees to be placed on pretrial diversion for a period of 6 months under the following general conditions:

- AB* a. You shall not violate any law (federal, state, or local). You shall notify your U. S. Probation and Pretrial Services Officer within two (2) days if arrested or questioned by a law enforcement officer.
- AB* b. You shall not leave the judicial district without permission of your U.S. Probation/Pretrial Services Officer.
- AB* c. You shall report to your U. S. Probation and Pretrial Services Officer as directed and report immediately any changes in residence.

- AS d. You shall follow the instructions of the U. S. Probation and Pretrial Services Officer.
- AS e. You shall not have firearms or other dangerous weapons in your possession during the period of this agreement.
- AS f. You shall not associate with persons engaged in criminal activity. You shall also not associate with persons who have a felony criminal record unless you have the permission of your U.S. Probation/ Pretrial Services Officer.
- AS g. You shall comply with marital/couples counseling as deemed appropriate by Pretrial Services.

The investigative agent is Douglas Fox, Installation Patrolman, Kirtland Air Force Base.

3. AARON M. BAKER, by signing this Agreement, asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. He also acknowledges that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. By signing this Agreement, AARON M. BAKER hereby requests that the United States Attorney for the District of New Mexico defer any prosecution. AARON M. BAKER agrees and consents that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his request, and he waives any defense to such prosecution on the ground that such delay operated to deny his rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for the period of months equal to the period of this Agreement.

4. On the authority of the Attorney General of the United States, by Damon P. Martinez, United States Attorney for the District of New Mexico, prosecution in this District for this offense shall be deferred for the period of 6 months from this date, provided AARON M. BAKER abides by his agreement and obligations as listed in paragraph 2 of this Agreement.

5. Should AARON M. BAKER violate the conditions of this Agreement, the United States Attorney may revoke or modify any conditions of this pretrial diversion program or change the period of supervision which shall in no case exceed six (6) months. The United States Attorney may release AARON M. BAKER from supervision at any time.

6. The United States Attorney may, at any time within the period of supervision, initiate prosecution for the offense described in paragraph 1 of this Agreement should AARON M. BAKER violate the conditions of this Agreement. Prior to initiation of prosecution, the United States Attorney will furnish AARON M. BAKER with notice specifying the conditions of this Agreement which have been violated.

**PRETRIAL DIVERSION CANDIDATES
ADVICE OF RIGHTS**

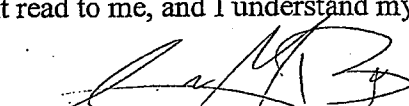
I, Aaron M. Baker, am being considered as a candidate for the United States Attorneys Pretrial Diversion Program. I will be asked questions about myself by a Pretrial Services Officer in consideration for this program. Any answers to these questions will be used by the United States Attorney/Pretrial Services Officer to decide whether or not I will be placed in the Pretrial Diversion Program. I understand that I have the right to be represented by an attorney and am under no obligation to answer any questions without advice of counsel.

If I am accepted into this program, I understand that on the authority of the Attorney General, of the United States, by the United States Attorney for the District of New Mexico, prosecution in this District for this offense shall be deferred for a period of up to but not to exceed 6 months, provided I comply with all the requirements of this program. I further understand that shall I fail to comply with the requirements of this program, the United States Attorney may at any time revoke or modify the supervision conditions of this program. Revocation of these conditions may result in the original charges being re-filed in the United States District Court for the District of New Mexico.

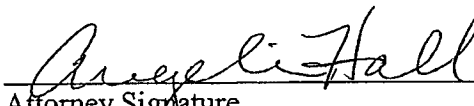
Neither the Pretrial Diversion Agreement nor any other document filed with the United States Attorney as a result of my participation in the Pretrial Diversion Program will be used against me, except for impeachment purposes, in connection with any prosecution for the instant alleged offense.

I have read this form, or had it read to me, and I understand my rights.

Date: 6/16/16


Diversion Candidate's Signature

Date: 6/16/16

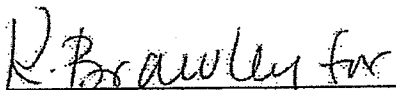

Attorney Signature


Pretrial Services Officer

7. Upon successful completion of the diversion program and fulfillment of all the terms and conditions of the Agreement, the offense set out in paragraph 1 of this Agreement will be dismissed by the United States Attorney's Office in this District.

8. Neither this Agreement nor any other document filed with the United States Attorney as a result of AARON M. BAKER's participation in the Pretrial Diversion Program will be used against him, except for impeachment purposes, in connection with any prosecution for the above-described offense.

AGREED TO AND SIGNED BY:


PRESILIANO A. TORREZ
Assistant United States Attorney

6/15/16
Date

I hereby state that the above has been read and explained to me. I understand the conditions of my pretrial diversion program and agree that I comply with them.

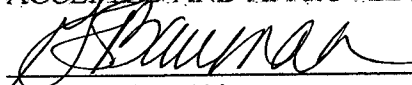

AARON M. BAKER

6/16/16
Date


ANGELICA HALL

6/16/16
Date

ACCEPTED AND APPROVED:


GINA BAUMAN
Assistant Deputy Chief
United States Probation Office

6/17/16
Date